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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE ALLEGIANT TRAVEL CO.
STOCKHOLDERS DERIVATIVE
LITIGATION

Master File No.: 2:18-cv-01864

**DECLARATION OF JACOB D.
BUNDICK IN SUPPORT OF
MOTION TO DISMISS THIRD
AMENDED VERIFIED
CONSOLIDATED STOCKHOLDER
DERIVATIVE COMPLAINT**

[Filed concurrently with Motion to Dismiss and Request for Judicial Notice]

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DECLARATION OF JACOB D. BUNDICK ISO MOTION TO DISMISS THIRD AMENDED
VERIFIED CONSOLIDATED STOCKHOLDER DERIVATIVE COMPLAINT

1 I, Jacob D. Bundick, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of Nevada
3 and the U.S. District Court for the District of Nevada. I am a shareholder with the
4 law firm of Greenberg Traurig, LLP and counsel of record for Nominal Defendant
5 Allegiant Travel Co. (“Allegiant” or the “Company”) and Individual Defendants
6 Maurice J. Gallagher, Jr., John Redmond, Gregory Anderson, Scott Sheldon, Eric
7 Gust, Charles W. Pollard, Linda A. Marvin, Gary F. Ellmer, and Montie R. Brewer
8 (collectively with Allegiant, “Defendants”) in the above-referenced action.

9 2. I submit this declaration in support of Defendants’ Motion to Dismiss
10 Third Amended Verified Consolidated Stockholder Derivative Complaint, and
11 Defendants’ Request for Judicial Notice in support of the Motion to Dismiss. I have
12 personal knowledge of the matters stated herein and, if called upon to do so, I could
13 and would competently testify thereto.

14 3. Attached hereto as **Exhibit A** is a “redline” comparing Plaintiffs’
15 Third Amended Verified Consolidated Stockholder Derivative Complaint, filed on
16 February 18, 2021, with the Amended Verified Consolidated Stockholder
17 Derivative Complaint, filed on March 24, 2020.

18 4. Attached hereto as **Exhibit B** is a true and correct copy of the Court’s
19 Order Granting Plaintiffs’ Motion for Final Approval of Class Action Settlement in
20 *Charles Brendon v. Allegiant Travel Co., et al.*, Case No. 2:18-cv-01758 (D. Nev.
21 Apr. 24, 2018) (“*Brendon*”), issued on May 14, 2020.

22 5. Attached hereto as **Exhibit C** is a true and correct copy of the Court’s
23 Order Granting in Part and Denying in Part Defendants’ Motion to Dismiss in
24 *Brendon*, issued on September 9, 2019.

25 6. Attached hereto as **Exhibit D** is a true and correct copy of *2019 Review*
26 *and Analysis of Securities Class Action Settlements* prepared by Cornerstone
27 Research this year.

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1 7. Attached hereto as **Exhibit E** is a true and correct copy of a Schedule
2 14A report for Allegiant, filed with the U.S. Securities and Exchange Commission
3 on May 12, 2016.

4 8. Attached hereto as **Exhibit F** is a true and correct copy of an excerpt
5 from a Schedule 14A report for Allegiant, filed with the U.S. Securities and
6 Exchange Commission on April 30, 2019.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 Executed this 5th day of April, 2021 at Las Vegas, Nevada.

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10 */s/ Jacob D. Bundick*

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12 Jacob D. Bundick

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2021, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system. Notice of filing will be served on all parties by operation of the Court's EM/ECF system, and parties may access this filing through the Court's CM/ECF system.

/s/ Andrea Flintz
an employee of Greenberg Traurig, LLP

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INDEX OF EXHIBITS

1. Exhibit A – “Redline” Comparison
2. Exhibit B -- Order Granting Plaintiffs’ Motion
3. Exhibit C -- Court’s Order Granting in Part and Denying in Part Defendants’ Motion to Dismiss
4. Exhibit D -- *2019 Review and Analysis of Securities Class Action Settlements*
5. Exhibit E -- May 12, 2016 Schedule 14A Report
6. Exhibit F -- Excerpts of April 30, 2019 Schedule 14A Report

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